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May 4, 2004

Via Email: sjrdotmdl@rb5s.swrcb.ca.gov

Mr. Mark Gowdy
Central Valley Regional Water Quality Control Board
11020 Sun Center Drive, #200
Rancho Cordova, California 95670-6114

Dear Mr. Gowdy:

Re: Comments on the Public Review Draft (dated April 2004) of the Amendments to the Water Quality Control Plan for the Sacramento and San Joaquin River Basins for the Control Program for Factors Contributing to the Dissolved Oxygen Impairment in the Stockton Deep Water Ship Channel

The Turlock Irrigation District appreciates the opportunity to provide comments on the draft Amendment to the Basin Plan regarding the Dissolved Oxygen impairment in the Deep Water Ship Channel (DWSC). The following comments are being submitted, in addition to those of the San Joaquin River Group Authority, of which the District is a member, and which are incorporated into the District's comments by reference.

Regional Board staff, as well as the numerous stakeholders and other participant in the Steering Committee, have spent significant time and resources on this issue. Despite these efforts, the cause of the impairment has not been, as yet, adequately identified. As a result, Regional Board staff has developed what they have commonly referred to as a "three-legged stool" approach, equally distributing responsibility to the three following "contributing" factors:

- Loads of oxygen demanding substances from upstream sources;
- DWSC geometry; and
- Reduced flow through the DWSC.

Information is not available on the significance of any of these factors. As a result, Regional Board staff is arbitrarily apportioning responsibility equally amongst the three "contributing" factors. Although this is described in the draft Basin Plan Amendment as equitable, in reality, it is not. By determining that the responsibility is equally placed, the proposed Basin Plan Amendment would potentially require significant costly modifications that might not result in a solution to the problem. For example, it has not been shown that if one-third of the impairment was removed by each of the three contributing factors, that the dissolved oxygen impairment would be solved. Until additional information can be obtained to truly identify the actual distribution of responsibility to various factors



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that may or may not be contributing to the source of the problem, it is not appropriate to arbitrarily assign responsibility.

Aeration was proposed, by a diverse group of stakeholders, as an alternative to load allocations. This type of a solution-based approach, although not a typical TMDL, had significant stakeholder support and had the potential to solve the impairment problem. The District continues to believe that this process is the most appropriate place to expend limited resources. Rather than spending additional efforts in further evaluating the causes of the problem, funding should be focused on finding the best approach to resolving the problem utilizing aeration.

The TMDL also appears to arbitrarily apportion 30% of the "oxygen demanding substances" proportion of the load to the Regional Wastewater Treatment Facility in Stockton, and the remaining 70% of the load to other upstream sources. Again, there is no basis for this apportionment.

The draft Basin Plan Amendment suggests that flows are a significant factor that has resulted in the impairment. With the ever-growing population, water is going to be an increasingly scarce commodity. Releases of high quality river flows for dilution is not the most appropriate use of the limited water supplies of the State. Alternative solutions, like aeration, would better serve to resolve the problem without jeopardizing the State's water supplies.

Lastly, the cumulative impacts of the various water quality requirements along the San Joaquin River need to be considered. Actions suggested with respect to reductions in flow from upstream sources for the Salt and Boron TMDL implementation plan would result in significantly reduced flows in the river system and exacerbate the dissolved oxygen issues in the DWSC. The Regional Board should postpone adoption of this and other TMDLs until an analysis can be completed of the three TMDL implementation plans being proposed by staff (i.e. Salt and Boron, Dissolved Oxygen, and Organophosphorous Pesticides) to ensure they are complimentary and will not result in redirected, or unintended cumulative effects.

In closing, the Turlock Irrigation District appreciates the opportunity to review and comment on the proposed Basin Plan Amendment. It is anticipated that the Regional Board will seriously consider each of the comments received, and adequately address our concerns.

The District remains committed to working with the Regional Board staff to develop solutions to the water quality issues affecting the river system. Should there be any questions, please do not hesitate to contact me at (209) 883-8428.

Sincerely,



Debra C. Liebersbach, P.E.
Senior Civil Engineer